



THE ATTORNEY GENERAL  
OF TEXAS

JIM MATTOX  
ATTORNEY GENERAL

July 30, 1990

Mr. Cobby A. Caputo  
Attorney for Hooks I.S.D.  
P.O. Box 2156  
Austin, Texas 78768

OR90-341

Dear Mr. Caputo:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 9385.

The Hooks Independent School District received an open records request for a copy of "the summary of the report presented to the [school] board by the committee of citizens who investigated the discipline of the high school principal." You contend the requested information comes under the protection of section 3(a)(11).

Section 3(a)(11) of the act protects advice, opinion, or recommendation intended for use in the entity's deliberative process. Open Records Decision No. 464 (1987). Section 3(a)(11) does not, however, protect facts and written observation of facts and events that are severable from advice, opinions, and recommendation. Open Records Decision No. 450 (1986). If, however, as in this instance, the factual information is so inextricably intertwined with material involving advice, opinion, or recommendation as to make separation of the factual data impractical, that information may also be withheld. Open Records Decision No. 313 (1982). Consequently, you may withhold the summary of the report in its entirety. Although you have also submitted to this office a copy of the "Report of Investigation" by the citizen committee, the report itself does not come within the ambit of the records request; this letter ruling therefore need not address the extent to which that document is excepted from public disclosure.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a

published open records decision. If you have questions about this ruling, please refer to OR90-341.

Yours very truly,



Jim Moellinger  
Assistant Attorney General  
Opinion Committee

JM/RWP/le

Ref.: ID# 9385

cc: Mr. Bill Melton  
P.O. Box 242  
Hooks, Texas 75561

Mr. Clyde Gentry  
P.O. Box 734  
Hooks, Texas 75561